

1 MAXWELL M. FREEMAN, #31278  
2 LEE ROY PIERCE, JR., #119318  
3 MICHAEL L. GUREV, #163268  
4 THOMAS H. KEELING, #114979  
5 FREEMAN, D'AIUTO, PIERCE,  
6 GUREV, KEELING & WOLF  
7 A PROFESSIONAL LAW CORPORATION  
1818 Grand Canal Boulevard, Suite 4  
Stockton, California 95207  
Telephone: (209) 474-1818  
Facsimile: (209) 474-1245  
E-mail: [lrpierce@freemanfirm.com](mailto:lrpierce@freemanfirm.com)  
[mgurev@freemanfirm.com](mailto:mgurev@freemanfirm.com)  
[tkeeling@freemanfirm.com](mailto:tkeeling@freemanfirm.com)

8 Attorneys for Defendants A.G. Spanos  
9 Construction, Inc.; A.G. Spanos  
10 Development, Inc.; A.G. Spanos  
Land Company, Inc.; A.G. Spanos  
Management, Inc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

[Fed. R. Civ. P. 12(b)(7)]

Hearing Date: October 2, 2007  
Time: 1:00 p.m.  
Dept.: Courtroom 3

Complaint Filed: June 20, 2007

25 The motion of Defendants A.G. Spanos Construction, Inc., A.G. Spanos  
26 Development, Inc., A.G. Spanos Land Company, Inc., and A.G. Spanos Management, Inc.,  
27 appearing through counsel, for an order dismissing Plaintiffs' complaint for failure to join  
28 necessary and indispensable parties, came on regularly for hearing on October 2, 2007, at 1:00

1 p.m., in Courtroom 3 in the above-entitled court, located at 1301 Clay Street, 3<sup>rd</sup> Floor,  
2 Oakland, California, the Honorable Saundra Brown Armstrong presiding. Lee Roy Pierce, Jr.  
3 and Thomas H. Keeling appearing on behalf of Defendants, and Michael Allen appearing on  
4 behalf of Plaintiffs.

5 Having read and considered the documents submitted in support of and in opposition to  
6 the motion and the arguments of counsel, and good cause appearing therefor,

7 **IT IS HEREBY ORDERED** that the motion to dismiss the Complaint for failure to join  
8 necessary and indispensable parties is granted.

9  
10 Dated: \_\_\_\_\_, 2007

11 \_\_\_\_\_  
12 Honorable Saundra Brown Armstrong  
13 United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28